

A public hearing was held pursuant to AD-025-22, adopted by the Legislature on November 15, 2022, for the purpose of hearing public comments on the Assessment Tax Roll for Niagara County Water District. Legislator Godfrey opened the hearing at 5:10 p.m. and closed it at approximately 5:13 p.m.

A public hearing was held pursuant to AD-026-22, adopted by the Legislature on November 15, 2022, for the purpose of hearing public comments on the Assessment Tax Roll for the Niagara County Refuse District. Legislator Godfrey opened the hearing at 5:20 p.m. and closed it at approximately 5:23 p.m.

A public hearing was held pursuant to AD-027-22, adopted by the Legislature on November 15, 2022, for the purpose of hearing public comments on The Assessment Tax Roll for the Niagara County Sewer District #1. Legislator Godfrey opened the hearing at 5:30 p.m. and closed it at approximately 5:32 p.m.

A public hearing was held pursuant to AD-024-22, adopted by the Legislature on November 15, 2022, for the purpose of hearing public comments on Tentative Budget for Budget for the Year 2023. Legislator Godfrey opened the hearing at 5:40 p.m. and closed it at approximately 5:45 p.m.

OFFICIAL RECORD

Lockport, New York
December 6, 2022

The meeting was called to order by Chairman Wydysh at 6:25p.m.

Clerk Tomasino called the roll. All Legislators were present, with the exception of Legislator Collins and Foti.

PRESENTATIONS:

Legislator Elder called Marsha McWilson to the lectern to read a proclamation declaring December 6, 2022 as "Marsha McWilson Day" in Niagara County.

Legislator Hill called Roy-Hart FFA Students and their advisor to the lectern to read proclamation on their placements and success at the 95th National FFA Convention and Expo.

No citizens spoke on the Agenda.

Chairman Wydysh asked to move all the resolutions as a slate with the exception of ED-033-22, ED-034-22 and IF-153-22. Moved by Hill, second by Robins to vote on all resolutions as a slate.

Moved by Hill, second by Robins to vote on all resolutions as a slate.
Carried. 14 Ayes, 0 Noes, 1 Absent – Collins, Foti.

Resolution No. CSS-111-22 was read at this time. (Appears in numerical order)

Resolution No. AD-032-22

From: Administration Committee.
Dated: December 6, 2022

**A LOCAL LAW OF THE COUNTY OF NIAGARA, NEW YORK AUTHORIZING THE AWARD OF
PURCHASE CONTRACTS ON THE BASIS OF BEST VALUE CRITERIA PURSUANT TO
GENERAL MUNICIPAL AND STATE FINANCE LAW**

WHEREAS, The State Legislature and Governor amended General Municipal Law, §103 on January 27, 2012 to provide local governments greater flexibility in awarding contracts by authorizing the award of purchase contracts, including contracts for service work on the basis of best value. The state legislation requires County's with a population of less than one million to pass a local law authorizing the use of the best value award process, and

WHEREAS, enactment of this legislation is intended to provide greater flexibility in awarding contracts and to ensure that the County obtains the highest quality goods at a low cost. Award contracts on the basis of Best Value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality, control costs and enhance efficiency among responsible bidders. This local law authorizes the Purchasing Agent to award purchase contracts that have been procured pursuant to competitive bidding under General Municipal Law §103 by either lowest responsible bidder or best value., and

WHEREAS, a Local Law of the County of Niagara, New York, for the year 2022 titled "Niagara County Best Value Contract Award Law"

Be enacted by the County Legislature of the County of Niagara as follows:

Section 1. Purpose

The "best value" standard for selecting goods and services vendors is critical to efforts to use strategic sourcing principles to modernize the supply chain and ensure that taxpayers obtain the highest quality goods and services at the lowest potential cost, while also ensuring fairness to all competitors.

After passage of Section 16 in NYS GML §103 a large number of local municipalities throughout the state have passed Local Laws authorized under said section. With the increased complexity of the goods and services that municipalities must obtain in order to serve taxpayers, it is critical to consider selection and evaluation criteria that measure factors other than cost in the strictest sense.

Taxpayers are not well served in situations where public procurement results in low unit costs at the outset, but ultimately engenders cost escalations due to factors such as inferior quality, poor reliability and difficulty of maintenance. Best value links the procurement process directly to the municipality's performance requirements, incorporating selection factors such as useful lifespan, quality and options and incentives for more timely performance and/or additional services.

Award contracts on the basis of best value standards is further intended to promote competition, foster fairness among vendors and competitors, expedite contract awards, optimize quality control costs and enhance efficiency among responsible bidders. The local law would authorize the Purchasing Agent to award purchase contracts that have been procured pursuant to competitive bidding under General Municipal Law Sec. 103 by either lowest responsible bidder or best value.

Section 2. Definitions

Purchase Contracts. Contracts for goods, commodities and equipment, including technology. Best Value. The basis for awarding contracts for services to a responsible bidder who optimizes quality, cost and efficiency for the County based upon objective and quantifiable analysis. Goods procured and awarded on the basis of best value are those that are determined will be of the highest quality while being the most cost efficient.

Section 3. Requirements

- A. Whenever any contract is awarded on the basis of best value instead of lowest responsible bidder the basis for determining best value shall be thoroughly and accurately documented.
- B. The determination of quality and cost efficiency shall be based on objectively quantified and clearly described and documented criteria, which may include, but shall not be limited to, any or all of the following: cost of maintenance; proximity to the end user if distance or response time is a significant term; durability; availability of replacement parts or maintenance contractors; longer product life; product performance criteria; and quality of craftsmanship.
- C. General evaluation criteria shall be identified and shall be maintained in the Office of Management and Budget, Division of Purchasing and be made available to the public.
- D. The Director of Budget and Management shall establish specific evaluation criterion that will be relied upon for procuring goods based upon best value, which shall be maintained in the Office of Management and Budget, Division of Purchasing and made available to the public.
- E. Solicitation documents shall state the minimum requirements and specifications that must be met in order for the bidder to be deemed responsible and shall identify the general procedure and manner in which the evaluation and selection shall be conducted.
- F. The Niagara County Manager must approve the use of best value for each purchase contract that wishes to utilize the method.

Section 4. Severability

If any clause, sentence paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. Effective Date

This local law shall take effect immediately upon filing with the New York State Secretary of State.

now, therefore, be it

RESOLVED, that the Niagara County Legislature shall conduct a public hearing upon said proposed Local Law at the Legislative Chambers, Niagara County Courthouse, Lockport, New York on the 13th day of December, 2022 at 5:50PM, and be it further

RESOLVED, that the Clerk of the Niagara County Legislature, at least six days in advance of such hearing, shall post a notice upon the bulletin boards in the Courthouse at Lockport and the Civic Building at Niagara Falls, and shall publish such notice in the Lockport Union Sun & Journal and the Niagara Gazette; such notice shall contain the title of the Local Law and an abstract of the text to be prepared by the Clerk of the Legislature, with the assistance of the County Attorney's Office.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. AD-033-22

From: Administration Committee.

Dated: December 6, 2022

**RESOLUTION AUTHORIZING PILOT AGREEMENT BETWEEN
CITY OF LOCKPORT, LOCKPORT SCHOOL DISTRICT AND
NIAGARA COUNTY AND OYA RUHLMANN A LLC FOR PROPERTY LOCATED AT
125 RUHLMANN ROAD, CITY OF LOCKPORT, NEW YORK**

WHEREAS, pursuant to RPTL § 487, the County of Niagara may grant a real property tax exemption for the special ad valorem levies, special assessments and real property taxes attributable to the increase in value on a property from the construction of a solar system specified by the statute ("Solar Systems"); under the existing law, the County of Niagara may provide a tax exemption for such a Solar System up to the full amount of taxes otherwise owed for a period of fifteen (15) years, the exact dollar amount of payments to be made under an RPTL § 487 tax exemption is set forth in a contract for payments in lieu of taxes ("PILOT Agreement"), and

WHEREAS, pursuant to Local Law No. 3 for 2020, passed by the Niagara County Legislature on October 20, 2020, the County removed the real property exemption for solar and wind energy as provided under RPTL §487, and

WHEREAS, prior to the passage of the Local Law, the County was officially notified of the project on 125 Ruhlmann Road, City of Lockport, New York that the company was seeking a Payment in Lieu of Taxes Agreement (PILOT) pursuant to RPTL § 487, and

WHEREAS, Oya Ruhlmann A, LLC (the "System Owner") has received approval to build and completed construction for a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") §487 (1)(b) (herein the "System") on a parcel of land located within the City of Lockport at 125 Ruhlmann Road and identified on the County of Niagara Tax Maps as Tax Parcel # 122.12-2-2.111, and

WHEREAS, upon receiving the Notice of Intent to Construct the System the County of Niagara exercised its right to require a PILOT Agreement with the System Owner, under which the System Owner (or any successor owner of the System) will be required to make annual payments to the County for the fifteen-year term of the proposed PILOT Agreement, now, therefore, be it

RESOLVED, the PILOT Agreement for 125 Ruhlmann Road, Lockport, N.Y., for Solar Energy Systems between OYA RUHLMANN A, LLC, the County of Niagara, the City of Lockport and the Lockport City School District for a total payment of \$37,500 in the first year split between the three jurisdiction, with said annual payments to be escalated two percent (2%) annually is hereby approved, and be it further

RESOLVED, that following the County Attorney's review and approval, the PILOT Agreement shall be executed pursuant to Niagara County's Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. AD-034-22

From: Administration Committee.

Dated: December 6, 2022

**RESOLUTION AUTHORIZING PILOT AGREEMENT BETWEEN
NIAGARA COUNTY AND DG NIAGARA, LLC FOR PROPERTY LOCATED AT
2645 RIDGE ROAD, TOWN OF LEWISTON, NEW YORK**

WHEREAS, pursuant to RPTL § 487, the County of Niagara may grant a real property tax exemption for the special ad valorem levies, special assessments and real property taxes attributable to the increase in value on a property from the construction of a solar system specified by the statute ("Solar Systems"); under the existing law, the County of Niagara may provide a tax exemption for such a Solar System up to the full amount of taxes

otherwise owed for a period of fifteen (15) years, the exact dollar amount of payments to be made under an RPTL § 487 tax exemption is set forth in a contract for payments in lieu of taxes ("PILOT Agreement"), and

WHEREAS, pursuant to Local Law No. 3 for 2020, passed by the Niagara County Legislature on October 20, 2020, the County removed the real property exemption for solar and wind energy as provided under RPTL §487, and

WHEREAS, prior to the passage of the Local Law, the County was officially notified of the project on 2645 Ridge Road, Town of Lewiston, New York that the company was seeking a Payment in Lieu of Taxes Agreement (PILOT) pursuant to RPTL § 487, and

WHEREAS, DG Niagara, LLC (the "System Owner") has received approval to build and completed construction for a "Solar Energy System" as defined in New York Real Property Tax Law ("RPTL") §487 (1)(b) (herein the "System") with an expected nameplate capacity ("Capacity") of approximately 5.0 Megawatts AC on a parcel of land located within the Town of Lewiston at 2645 Ridge Road and identified on the County of Niagara Tax Maps as Tax Parcel # 76.00-2-12.1, and

WHEREAS, upon receiving the Notice of Intent to Construct the System the County of Niagara exercised its right to require a PILOT Agreement with the System Owner, under which the System Owner (or any successor owner of the System) will be required to make annual payments to the County for the fifteen-year term of the proposed PILOT Agreement, now, therefore, be it

RESOLVED, the PILOT Agreement for 2645 Ridge Road, Lewiston, N.Y., for Solar Energy Systems between DG Niagara, LLC and the County of Niagara for \$2,000.00 per megawatt/AC of Nameplate Capacity for a total payment of \$10,000 in the first year, with said annual payments to be escalated two percent (2%) annually is hereby approved, and be it further

RESOLVED, that following the County Attorney's review and approval, the PILOT Agreement shall be executed pursuant to Niagara County's Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. AD-035-22

From: Administration Committee.

Dated: December 6, 2022

**RESOLUTION TO AUTHORIZE THE COUNTY ATTORNEY TO USE FUNDS
FROM CONTINGENCY AND APPROPRIATED FUND BALANCE FOR
ARTICLE 7 TAX ASSESSMENT LITIGATION MATTERS**

WHEREAS, the County Attorney's Special Litigation line A.1930.110 74500.01 has been depleted due to the cost of the defense of the CWM Chemical Services, LLC and Republic Services tax assessment cases, which includes an appraisal of the property owned by CWM; therefore, it is necessary to use the Contingency and Appropriated Fund Balance to pay for these litigation matters concerning Republic Services and CWM Chemical Services LLC tax assessment matters, now, therefore, be it

RESOLVED, that the following 2022 budget modification be effectuated to fund such services:

INCREASE APPROPRIATED FUND BALANCE:

A.40599.00	Appropriated Fund Balance	\$31,054.00
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DECREASE APPROPRIATIONS:

A.08.1990.000 74500.01	Contingency Funds	\$69,507.00
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INCREASE APPROPRIATIONS:

A.11.1930.110 74500.01	Special Litigations	\$100,561.00
	Contractual Expenses	

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. CS-047-22

From: Community Services and Administration Committees.

Dated: December 6, 2022

MH - 2022 BUDGET MODIFICATION – ACCEPT OPIOID SETTLEMENT FUNDS

WHEREAS, the County of Niagara is concerned about the welfare of all of its citizens and, as such, formed the Niagara County Opioid Task Force (OASIS) in 2016 in recognition of the broad impact the opioid epidemic was having on our communities, and

WHEREAS, the County of Niagara entered into and joined a range of litigation against manufacturers, distributors, and sellers of opioids in 2018, and

WHEREAS, the NYS Attorney General's office and separately States Attorney Generals' offices have negotiated numerous settlements with manufacturers, distributors, and sellers of opioid, and

WHEREAS, the County of Niagara is in receipt of funds designed to offset the expansive costs and impact of the Opioid crisis on County operations and funds designated for treatment, recovery, and prevention efforts, herein referred to as "Schedule C – approved uses" and

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services (NCDMH), as the Local Governmental Unit (LGU), is responsible for the planning and oversight of the service system to ensure the availability and continuance of services to individuals with mental illness and substance use disorders who are living in Niagara County, and

WHEREAS, the Niagara County Department of Mental Health (NCDMH), on behalf of the County of Niagara, has gathered data and input to create a plan for the distribution and use of Schedule C funds through stakeholder forums, public input sessions, and legislative committee meetings, and

WHEREAS, these planning efforts resulted in the identification of gaps, needs, and key priorities in several areas, including clinical services; community supports/services; workforce training; diversity, equity, and inclusion; and prevention/outreach. strategies and solutions which require extensive funding investments have been referred to New York State Office of Addiction Services and Supports, and

WHEREAS, the County of Niagara is committed to making targeted investments to address critical gaps and have meaningful impact through Schedule C funds, while avoiding duplication of existing funding source. funds will be allocated for efforts and projects related to developing community supports and services (50 -65% of funds), training/education efforts (30 -35% of funds), and outreach/prevention efforts (15 – 20% of funds), and

WHEREAS, NCDMH will continue to monitor impact of the targeted investments and continue to gather data for planning purposes, now, therefore, be it

RESOLVED, that the County of Niagara accepts Opioid Settlement Funds and records all opioid settlement revenues restricted to Schedule C approved uses to A.21.4310.401 42770.07, and be it further

RESOLVED, that NCDMH is given authorization to administer the Schedule C funds in accordance with separate approval by Niagara County Legislature.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. CS-048-22

From: Community Services and Administration Committees.

Dated: December 6, 2022

**NIAGARA COUNTY DEPARTMENT OF MENTAL HEALTH & SUBSTANCE ABUSE SERVICES -
ABOLISH FULL TIME LICENSED CLINICIAN POSITION/ CREATE AND FILL TWO PART TIME
LICENSED CLINICIAN POSITIONS - BUDGET NEUTRAL**

WHEREAS, the Niagara County Department of Mental Health & Substance Abuse Services (NCDMH) is committed to providing exceptional treatment and integrated care services to Niagara County residents in need, and

WHEREAS, a Niagara County Department of Mental Health & Substance Abuse Services restructure is necessary to address departmental and client needs, and

WHEREAS, NCDMH has had difficulty in recruiting full time workforce for the Hospital Diversion program due to the non-traditional hours required by the program, creating two part time positions will create flexibility to engage workforce in the non-traditional hours required to provide services to our clients,

WHEREAS, NCDMH is committed to and has demonstrated operating in a responsible fiscal manner, and

WHEREAS, the Licensed Clinician positions are budget neutral, supported 100% through state aid, and at no cost to the County; now, therefore, be it

RESOLVED, that one Licensed Clinician (vacant as of November 15, 2021), Grade 11, Step 1, position number MHD300100.13308, salary \$51,870.00 - \$60,624.20, be abolished, effective December 6, 2022, and be it further

RESOLVED, that two part time (17.5 hours per week) Licensed Clinicians, Grade 11, Step 1, position numbers, MHD300100.13827 and MHD300100.13828, salary \$25,935.00 each, be created within the Niagara County Department of Mental Health, and filled effective December 6, 2022.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. CSS-106-22

From: Community Safety & Security and Administration Committees.

Dated: December 6, 2022

DISTRICT ATTORNEY SECTION 825 INCREASE

WHEREAS, Section 825 of the County Law of the State of New York provides for payment of an annual allowance to the District Attorney and his assistants, to be paid monthly, in lieu of mileage and traveling expenses incurred in the performance of their duties within Niagara County, to be established by the board of supervisors of Niagara County, and

WHEREAS, currently, each Assistant District Attorney receives one thousand two hundred dollars per year to be paid out at one hundred dollars per month, and

WHEREAS, effective July 1, 2022 the Internal Revenue Service mileage rate is \$.625 per mile, and

WHEREAS, on average, Assistant District Attorneys travel two hundred and fifty miles per month to cover various Town Justice Courts within Niagara County, and

WHEREAS, the Niagara County District Attorney has requested an increase in the annual allowance from one thousand two hundred dollars (\$1,200) annually to one thousand eight hundred dollars (\$1,800) annually per Assistant District Attorney for the 2023 budget year, now, therefore, be it

RESOLVED, that effective January 1, 2023, the Niagara County Legislature establishes the amount payable to Assistant District Attorneys for expenses incurred in the performance of their duties within the County of Niagara at one thousand eight hundred dollars (\$1,800) per year, payable at one hundred and fifty dollars (\$150) per month.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. CSS-107-22

From: Community Safety & Security and Administration Committees.

Dated: December 6, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE BUDGET MODIFICATION
ACCEPT BJA FY2021 CRIMINAL ALIEN ASSISTANCE PROGRAM GRANT**

WHEREAS, the Niagara County Sheriff's Office has been notified by the US Department of Justice of an award of funds under the Bureau of Justice Assistance FY2021 State Criminal Alien Assistance Program (SCAAP), and

WHEREAS, under this program the Department of Justice makes payments to eligible states and local governments that incur certain types of costs due to incarceration of undocumented aliens during a particular 12 month period, and

WHEREAS, the grant award to the Niagara County Sheriff's Office is \$6,933 which is used to offset the cost of correction officer salaries, and

WHEREAS, the Niagara County Sheriff's Office also pays a 22% commission to Justice Benefits, Inc., to facilitate the collection of data for the grant as well as the application process, now, therefore, be it

RESOLVED, that following the County Attorney review, the Bureau of Justice Assistance FY2021 State Criminal Alien Assistance Program (SCAAP) Grant may be executed pursuant to the Niagara County Contract Policy, and be it further

RESOLVED, that the following budget modification be effectuated:

INCREASE ESTIMATED REVENUE:

A.17.3150.00 42264.00	Jail Facilities Svcs, Other Gov Revenue	\$ 1,526
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INCREASE APPROPRIATIONS:

A.17.3150.00 74500.01	Contractual Expenses	\$ 1,526
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Moved by Bradt, seconded by Robins.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. CSS-108-22

From: Community Safety & Security and Administration Committees.
Dated: December 6, 2022

**JAIL HEALTH CARE BUSINESS ASSOCIATE AND QUALIFIED SERVICE
ORGANIZATION AGREEMENT**

WHEREAS, Niagara County Sheriff's Office is responsible for providing medical care to inmates and detainees of the Niagara County Jail, including federal inmates, and

WHEREAS, the medical care for inmates is very complicated and multi-faceted due to the wide variety of medical needs including mental health and additional services, and

WHEREAS, PrimeCare has been the Health Care provider to the inmates, detainees and the Niagara County Jail federal inmates since 2016, which has helped the Niagara County Sheriff's Office to meet the standards critical to ensure the health and safety of Niagara County inmates, and

WHEREAS, with the PrimeCare Health Care Agreement in place, the County will also need to enter into a Business Associate and Qualified Service Organization Agreement to abide by all applicable federal, state laws and regulations that will govern the privacy and confidentiality of the secure patient health information, now, therefore, be it

RESOLVED, that following the County Attorney's review of the Business Associate and Qualified Service Organization Agreement, the Chairman of the Legislature be, and hereby is, authorized to execute the agreement, which acknowledges the County's obligations under the HIPAA Rules and Federal Rules to abide by the new privacy and security requirements.

Moved by Bradt, seconded by Robins.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. CSS-109-22

From: Community Safety & Security and Administration Committees.
Dated: December 6, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
CONTRACT FOR IMMUNALYSIS CORPORATION**

WHEREAS, the Niagara County Sheriff's Laboratory is in need of ELISA drug screening reagents which can be validated on the Tecan EVO automated software to meet the demanding challenges of the forensic toxicology field, and

WHEREAS, no other ELISA reagent manufacturer or ELISA equipment manufacturer has developed a validated application to match the required specifications except the Immunalysis Corporation, and

WHEREAS, Immunalysis will not only supply the equipment, but also 2-day on-site Installation and Training and a one year service contract for a total cost of \$89,200.00, now, therefore, be is resolved

RESOLVED, that Immunalysis Corporation be deemed the sole distributor of the good, and sole source of the contracted service of training and one year warranty service, and further be it

RESOLVED, following the County Attorney's review and approval, the contract shall be authorized pursuant to Niagara County's contract policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. CSS-110-22

From: Community Safety & Security and Administration Committees.

Dated: December 6, 2022

**NIAGARA COUNTY SHERIFF'S OFFICE
ACCEPT MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION GRANT**

WHEREAS, the Niagara County Sheriff's Office has been notified by the New York State Division of Criminal Justice Services that it has been awarded \$20,000 under the Motor Vehicle Theft and Insurance Fraud Prevention Program, and

WHEREAS, the Motor Vehicle Theft and Insurance Fraud Prevention Grant has been awarded to the Niagara County Sheriff's Office for many years, and

WHEREAS, the performance period for this grant is January 1, 2023 through December 31, 2023, and

WHEREAS, the grant is used to coordinate efforts to reduce the incidents of motor vehicle theft and motor vehicle insurance fraud county-wide. This partnership provides an integrated means to prevent and deter motor vehicle theft and insurance fraud related crime through the expanded use of crime data, crime analysts, technology and information sharing, and

WHEREAS, the funds are included in the 2023 budget, now, therefore, be it

RESOLVED, that following the County Attorney review, the New York State Division of Criminal Justice Services Motor Vehicle Theft and Insurance Fraud Prevention Grant may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. CSS-111-22

From: Community Safety & Security and Administration Committees.

Dated: December 6, 2022

**DISTRICT ATTORNEY MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION
PROGRAM GRANT ACCEPTANCE**

WHEREAS, the Niagara County District Attorney's Office has been notified by the New York State Division of Criminal Justice Services that the Motor Vehicle Theft and Insurance Fraud Prevention Program grant has been renewed for the period of January 1, 2023 through December 31, 2023, and

WHEREAS, funding has been awarded in the amount of \$109,443 and said funds are used to offset expenses for the District Attorney's Motor Vehicle Theft and Insurance Fraud Prevention Unit, and

WHEREAS, basic revenue and appropriation figures for said program were calculated and are contained within the CM.02.1989.114 Motor Vehicle Theft and Insurance Fraud Prevention cost center for the 2023 budget year, and

WHEREAS, this program will continue to fund one full time Assistant District Attorney, and one full time Criminal Investigator which shall remain coterminous with grant funding, now, therefore, be it

RESOLVED, that the County of Niagara does hereby accept this grant award, and be it further

RESOLVED, that prior to the execution of the grant award contract, the County Attorney will review the grant award contract for approval as to legal form, language, and compliance, and be it further

RESOLVED, that following the County Attorney's review, the Chairman of the Niagara County Legislature be, and hereby is authorized to execute the grant award documents.

Approved for Submission.

Moved by Hill, seconded by Godfrey.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. ED-033-22

From: Economic Development and Administration Committees.

Dated: December 6, 2022

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE, AS THE ELECTED
LEGISLATIVE BODY OF NIAGARA COUNTY, NEW YORK, IN ACCORDANCE
WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS
AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE NIAGARA
COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN ONE OR MORE SERIES, OF
UP TO \$19,000,000 MAXIMUM PRINCIPAL AMOUNT OF TAX-EXEMPT MULTI-
FAMILY HOUSING REVENUE BONDS
(OAHS URBAN PARK TC LLC APARTMENTS), SERIES 2022**

WHEREAS, the Niagara County Legislature (the "Legislature"), as the elected legislative body of Niagara County, New York (the "County") has been advised by the Niagara County Industrial Development Agency (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of OAHS Urban Park TC LLC, a New York limited liability company, or an entity formed or to be formed by or on behalf of itself (collectively, the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Multi-Family Housing Revenue Bonds (OAHS Urban Park TC LLC Apartments), Series 2022 in the maximum aggregate principal amount not to exceed \$19,000,000 (the "Series 2022 Bonds"), in one or more series, for the purpose of assisting with the Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in approximately 0.73-acre parcel of land located at 77 Main Street in the City of Lockport, Niagara County, New York 14094 (the "Land", being more particularly identified as tax parcel number 109.55-1-7), together with the existing approximately 103,713 square-foot, twelve-story, 150-unit senior affordable housing complex thereon (the "Existing Improvements"); (B)(i) the renovation, refurbishment and upgrading of the Existing Improvements; (ii) upgrades to electrical equipment; (iii) updates to all major systems including elevators and heating systems; and (iv) improvements to various site features (collectively, the "Improvements"); (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land, the Existing Improvements and the Improvements, the "Facility"); (D) the payment of all or a portion of the costs of issuing the Bonds, credit enhancement fees relating to the Bonds, if any, funding a debt service reserve fund, if any, and capitalized interest, if any; and (E) the retention by the Issuer of a leasehold or other interest in the Facility and the lease or sale of the Issuer's interest in the Facility back to the Company pursuant to an agreement which shall require the Company to make payments sufficient to fund the debt service payments on the Bonds and make certain other payments. All of the facilities financed and/or refinanced with the Bonds are or will be owned and/or operated by the Company, and are or will be located at 77 Main Street in the City and Town of Lockport, Niagara County, New York 14094, and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Issuer determined that the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA, and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Series 2022 Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Series 2022 Bonds is approved by the County Legislature after a public hearing to consider both the issuance of the Series 2022 Bonds and the nature and location of the facilities located within the County financed therewith has been conducted following reasonable public notice, and

WHEREAS, on November 29, 2022, the Issuer held such a public hearing (the "Public Hearing") upon proper notice in compliance with the Code and Section 859-a of Title 1 of Article 18-a of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (hereinafter collectively called the "Act"), with notice of such Public Hearing having been submitted to the *Niagara Gazette* for publication, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published in the *Niagara Gazette* on November 16, 2022, together with proof of publication, and (c) the minutes of such public hearing held on November 29, 2022; and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Niagara County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Series 2022 Bonds and the application of up to \$19,000,000 maximum principal amount thereof to undertake the Project, provided the principal, premium, if any, and interest on the Series 2022 Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State nor any political subdivision thereof including, without limitation, Niagara County, New York shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, the Legislature hereby gives its approval of the issuance by the Issuer of the Series 2022 Bonds, and the application thereof to finance Project; *provided* that, the Series 2022 Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Niagara County, New York, shall be liable thereon.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Series 2022 Bonds.

Section 3. This Resolution shall take effect immediately.
Moved by Bradt, seconded by Robins.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Irene M. Myers	[X]	[]	[]	[]
Rebecca J. Wydysh	[X]	[]	[]	[]

Mark J. Grozio	[X]	[]	[]	[]
Jeffrey Elder	[X]	[]	[]	[]
Christopher A. Robins	[X]	[]	[]	[]
Christopher Voccio	[X]	[]	[]	[]
Jesse P. Gooch	[X]	[]	[]	[]
Richard L. Andres	[X]	[]	[]	[]
Randy R. Bradt	[X]	[]	[]	[]
David E. Godfrey	[X]	[]	[]	[]
Anthony J. Nemi	[X]	[]	[]	[]
William J. Collins Sr.	[]	[]	[]	[X]
Richard E. Abbott	[X]	[]	[]	[]
Shawn A. Foti	[]	[]	[]	[X]
Michael A. Hill	[X]	[]	[]	[]

The Resolutions were thereupon duly adopted.

Resolution No. ED-034-22

From: Economic Development and Administration Committees.

Dated: December 6, 2022

**RESOLUTION OF THE NIAGARA COUNTY LEGISLATURE, AS THE ELECTED
LEGISLATIVE BODY OF NIAGARA COUNTY, NEW YORK, IN ACCORDANCE
WITH SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS
AMENDED (THE "CODE"), APPROVING THE ISSUANCE BY THE NIAGARA
COUNTY INDUSTRIAL DEVELOPMENT AGENCY IN ONE OR MORE SERIES, OF
UP TO \$22,000,000 MAXIMUM PRINCIPAL AMOUNT OF TAX-EXEMPT MULTI-
FAMILY HOUSING REVENUE BONDS (OAHs NIAGARA TOWERS TC LLC
APARTMENTS), SERIES 2022**

WHEREAS, the Niagara County Legislature (the "Legislature"), as the elected legislative body of Niagara County, New York (the "County") has been advised by the Niagara County Industrial Development Agency (the "Issuer") that, in order to assist in the financing of a certain Project (as defined below) for the benefit of OAHs Niagara Towers TC LLC, a New York limited liability company, or an entity formed or to be formed by or on behalf of itself (collectively, the "Company"), the Issuer proposes to issue, contingent upon the adoption of this Resolution, its Tax-Exempt Multi-Family Housing Revenue Bonds (OAHs Niagara Towers TC LLC Apartments), Series 2022 in the maximum aggregate principal amount not to exceed \$22,000,000 (the "Series 2022 Bonds"), in one or more series, for the purpose of assisting with the Project (the "Project"), consisting of: (A) the acquisition of a leasehold interest in approximately 2.56-acre parcel of land located at 821 Cedar Avenue and 901 Cedar Avenue in the City of Niagara Falls, Niagara County, New York 14301 (the "Land", being more particularly identified as tax parcel numbers 144.78-2-48 and 144.78-3-2.2), together with the existing approximately 144,300 square-foot, eighteen-story, 200-unit senior affordable housing complex thereon (the "Existing Improvements"); (B)(i) the renovation, refurbishment and upgrading of the Existing Improvements; (ii) upgrades to electrical equipment; (iii) updates to all major systems including elevators and heating systems; and (iv) improvements to various site features (collectively, the "Improvements"); (C) the acquisition and installation in and around the Improvements of certain items of machinery, equipment, fixtures, furniture and other incidental tangible personal property (collectively, the "Equipment", and together with the Land, the Existing Improvements and the Improvements, the "Facility"); (D) the payment of all or a portion of the costs of issuing the Bonds, credit enhancement fees relating to the Bonds, if any, funding a debt service reserve fund, if any, and capitalized interest, if any; and (E) the retention by the Issuer of a leasehold or other interest in the Facility and the lease or sale of the Issuer's interest in the Facility back to the Company pursuant to an agreement which shall require the Company to make payments sufficient to fund the debt service payments on the Bonds and make certain other payments. All of the facilities financed and/or refinanced with the Bonds are or will be owned and/or operated by the Company, and are or will be located at 821 Cedar

Avenue and 901 Cedar Avenue in the City of Niagara Falls, Niagara County, New York 14301, and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law and the regulations promulgated thereto at 6 N.Y.C.R.R. Part 617 (collectively referred to as "SEQRA"), the Issuer determined that the Project constitutes a "Type II Action" as said term is defined in SEQRA, and therefore no further action is required to be taken under SEQRA, and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Series 2022 Bonds will not be excluded from gross income for Federal income tax purposes unless the issuance of the Series 2022 Bonds is approved by the County Legislature after a public hearing to consider both the issuance of the Series 2022 Bonds and the nature and location of the facilities located within the County financed therewith has been conducted following reasonable public notice, and

WHEREAS, on November 30, 2022, the Issuer held such a public hearing (the "Public Hearing") upon proper notice in compliance with the Code and Section 859-a of Title 1 of Article 18-a of the General Municipal Law of the State of New York, as amended, and Chapter 569 of the Laws of 1972 of the State of New York (hereinafter collectively called the "Act"), with notice of such Public Hearing having been submitted to the *Niagara Gazette* for publication, and

WHEREAS, to aid the Legislature in its deliberations, the Issuer has made available to the members of the Legislature prior to this meeting (a) the Company's application to the Issuer for financial assistance; (b) the notice of public hearing published in the *Niagara Gazette* on November 16, 2022, together with proof of publication, and (c) the minutes of such public hearing held on November 30, 2022, and

WHEREAS, the Legislature, after due consideration of the foregoing, as the "applicable elected representative" of Niagara County, New York, within the meaning of Section 147(f)(2)(E) of the Code, desires to approve the issuance of the Series 2022 Bonds and the application of up to \$22,000,000 maximum principal amount thereof to undertake the Project, provided the principal, premium, if any, and interest on the Series 2022 Bonds shall be special obligations of the Issuer and shall never be a debt of the State of New York (the "State") or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State nor any political subdivision thereof including, without limitation, Niagara County, New York shall be liable thereon.

NOW, THEREFORE, BE IT RESOLVED, by the Niagara County Legislature as follows:

Section 1. For the purpose of satisfying the approval requirement of Section 147(f) of the Code, the Legislature hereby gives its approval of the issuance by the Issuer of the Series 2022 Bonds, and the application thereof to finance Project; *provided that*, the Series 2022 Bonds, and the premium (if any) and interest thereon, shall be special obligations of the Issuer and shall never be a debt of the State of New York or any political subdivision thereof including, without limitation, Niagara County, New York and neither the State of New York nor any political subdivision thereof including, without limitation, Niagara County, New York, shall be liable thereon.

Section 2. This Resolution shall be deemed to be made for the benefit of the holders of the Series 2022 Bonds.

Section 3. This Resolution shall take effect immediately.
The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Irene M. Myers	[X]	[]	[]	[]
Rebecca J. Wydysh	[X]	[]	[]	[]

Mark J. Grozio	[X]	[]	[]	[]
Jeffrey Elder	[X]	[]	[]	[]
Christopher A. Robins	[X]	[]	[]	[]
Christopher Voccio	[X]	[]	[]	[]
Jesse P. Gooch	[X]	[]	[]	[]
Richard L. Andres	[X]	[]	[]	[]
Randy R. Bradt	[X]	[]	[]	[]
David E. Godfrey	[X]	[]	[]	[]
Anthony J. Nemi	[X]	[]	[]	[]
William J. Collins Sr.	[]	[]	[]	[X]
Richard E. Abbott	[X]	[]	[]	[]
Shawn A. Foti	[]	[]	[]	[X]
Michael A. Hill	[X]	[]	[]	[]

The Resolutions were thereupon duly adopted.

Resolution No. IF-153-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**A RESOLUTION APPROVING AND CONFIRMING AN INCREASE
TO THE WATER RATE SCHEDULE OF THE NIAGARA COUNTY
WATER DISTRICT IN THE COUNTY OF NIAGARA, NEW YORK**

WHEREAS, the Niagara County Water District is a wholesale water producer that sells water to the twelve Towns located within Niagara County, as well as certain Villages and certain "out of district" users, which municipalities in turn sell water to retail users at prices that each determines, and

WHEREAS, the three Cities located within Niagara County each maintain their own water filtration and treatment facilities, and do not rely on the Niagara County Water District for their ordinary supply of water for retail sale within the Cities, and

WHEREAS, the Administrative Board of the Niagara County Water District duly adopted a Resolution on September 15, 2022 which calls for increases in the Water Rate Schedule of said Water District, and

WHEREAS, pursuant to the provisions of Section 266 of the County Law, a Public Hearing on such proposed increase was called, notice thereof was duly published in accordance with law and the same held in the Chambers of the County Legislature, Lockport, New York, on November 15, 2022 at 5:30 p.m., and all persons appearing thereat were heard and allowed to offer evidence on such proposed increase, now, therefore, be it

RESOLVED, by the Niagara County Legislature of the County of Niagara, New York, as follows:

Section 1. The amendment to the Niagara County Water District Rules and Regulations establishing rates are hereby approved as follows, effective January 1, 2023.

Section XII – Water Service Classifications and Rates

Classification No. 1 – Rates are hereby established as follows:

Rates for water used by Corporations located within the District with properties subject to Water District Taxes:

Rates for water used by Corporations located outside the District and contributing to District deficits by annual payment in lieu of taxes as set forth by contract between the District and said Corporations.

Water Rate as of January 1, 2023.....\$1.00/1,000 gallons

Water Rate as of January 1, 2025.....\$1.10/1,000 gallons

Water Rate as of January 1, 2027.....\$1.20/1,000 gallons

Classification No. 1A – Rates are hereby established as follows:

Rates for water used by Corporations or other entities located outside the District (out of District rate)

Water Rate as of January 1, 2023.....\$2.00/1,000 gallons

Water Rate as of January 1, 2025.....\$2.20/1,000 gallons

Water Rate as of January 1, 2027.....\$2.40/1,000 gallons

or such other rate that shall be determined by contract between the Niagara County Water District and Corporations or other entities.

Section 2. This Resolution shall take effect as hereinbefore set forth.
Moved by Myers, seconded by Gooch.
Adopted. 13 Ayes, 1 Noes - Voccio, 2 Absent – Collins, Foti.

Resolution No. IF-154-22
From: Infrastructure & Facilities and Administration Committees.
Dated: December 6, 2022

BUDGET MODIFICATON
STAMP WATER SUPPLY 2ND AMENDMENT - WATER DISTRICT

WHEREAS, the Niagara County Water District (NCWD) entered into an agreement with the Genesee County Economic Development Center (GCEDC), Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, PC (Wendel) and Seaman Norris LLP on May 5, 2019, for engineering and planning requirements to make a STAMP 6 MGD water supply infrastructure project ready to incorporate into bid documents, and a first amendment to Agreement on January 25, 2021, and

WHEREAS, the GCEDC has received funding commitments from New York State, and

WHEREAS, the NCWD will incur expenses for professional services provided by its professional consultants relative to the Project and requires reimbursement for all expenses related to the Project prior to paying its professional consultants; and

WHEREAS, the Niagara County Water District Administrative Board authorized the Administrative Director to enter into a Second Amendment to the Agreement for the professional services in regards to the STAMP Water Supply Package 03 Easements Wendel Project No. 31461907 which is estimated to be a minimum cost of \$81,750.00 including engineering and legal costs, and

WHEREAS, there will be no cost to the Water District, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE REVENUE:

H703.31.8397.000.41289.02	Other General Gov. Income-Misc.	\$81,750
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INCREASE APPROPRIATION:

H703.31.8397.000.72600.03	Water –Stamp Water Supply	\$81,750
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Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-155-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**IMPROVEMENTS TO THE ROYALTON RAVINE DRAINAGE
CAPITAL PROJECT BUDGET MODIFICATION**

WHEREAS, the County has been granted funds from the Gasport Beautification Committee for drainage improvements at the Royalton Ravine Park situated in Niagara County, and

WHEREAS, these funds need to be expensed prior to the end of 2022, now, therefore, be it

RESOLVED, that the following budget modification be effectuated:

INCREASE ANTICIPATED REVENUE:

H749.15.7110.000.42705.00	Gifts and Donations Revenue	\$10,000
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INCREASE EXPENSES:

H749.15.7110.000.72400.00	Land Improvements	\$10,000
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Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-156-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

PURPLE HEART VETERANS MONUMENT BUDGET MODIFICATION

WHEREAS, Resolution #IF-143-22 dated November 15, 2022 authorized funds to allow for the placement of a Purple Heart Veterans Monument, and

WHEREAS, the Department of Public Works evaluated the proposal from a pre-qualified consulting firm to assist the County with the design of a Purple Heart Veterans Monument, and

WHEREAS, funds are available in account H761.15.1620.000 72400.00 Land Improvements for construction of a Purple Heart Veterans Monument, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the professional services contract for the Purple Heart Veterans Monument be awarded to Nussbaumer & Clarke, Inc., 3556 Lake Shore Road, Suite 500, Buffalo NY 14219 for a contract amount not to exceed \$15,000, and be it further

RESOLVED, that following the County Attorney's review, the Purple Heart Veterans Monument agreement may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-157-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

SHAW WATERLINE REPLACEMENT PROJECT – CHANGE ORDER NO. 1

WHEREAS, Resolution No. IF-091-22 dated June 21, 2022 awarded the contract for the Shaw Waterline Replacement Project to NFP & Sons, 7311 Ward Road, North Tonawanda, NY 14120, for a contract amount of \$273,950, and

WHEREAS, it is necessary to extend the contract completion date to December 31, 2022, and also to increase the contract in the amount of \$30,697.05 for rock excavation and other additional work requested of the Contractor by the County, for a revised contract price of \$304,647.05, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the contract for the Shaw Waterline Replacement project be extended until December 31, 2022 and increased in the amount of \$30,697.05, for rock excavation and other additional work requested by the County, for a revised contract amount of \$304,647.05, and be it further

RESOLVED, that following the County Attorney's review, the Shaw Waterline Replacement Project Amendment, may be executed, pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-158-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**KRULL PARK SHORELINE REHABILITATION PROJECT
DESIGN SERVICES CONTRACT – CHANGE ORDER NO. 2**

WHEREAS, Resolution No. IF-127-19, dated November 19, 2019, awarded the design services contract for the Krull Park Shoreline Rehabilitation project to WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, for a contract amount of \$375,979, and

WHEREAS, Resolution No. IF-102-21 dated September 21, 2021, extended the contract completion date to December 31, 2022, at no additional cost to the county, to allow for final design services, and

WHEREAS, it is necessary to increase the contract by \$184,490, for construction administration and construction inspection, for a total contract amount of \$560,469, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language, and compliance, now, therefore, be it

RESOLVED, that the contract to, WSP USA, 50 Lakefront Blvd, Suite 111, Buffalo, NY 14202, be, increased by \$184,490 for construction administration and construction inspection, for a total contract amount of \$560,469, and be it further

RESOLVED, that, following the County Attorney's review, the change order may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-159-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**COURT HOUSE BOILER REPLACEMENT PROFESSIONAL SERVICES CONTRACT
AMENDMENT NO. 1**

WHEREAS, Resolution No. IF-120-20 dated November 17, 2020 awarded the contract for professional services to LaBella Associates, 300 Pearls Street, Suite 130, Buffalo, NY 14202, for a contract amount not to exceed \$191,442.70, and

WHEREAS, it is necessary to extend the contract completion date to March 31, 2024, at no additional cost, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that the professional services contract for the Court House Boiler Replacement project be extended until March 31, 2024, for a zero dollar increase, and be it further

RESOLVED, that following the County Attorney's review, the Court House Boiler Replacement project Amendment, may be executed, pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-160-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**CAPITAL PROJECT CLOSE OUTS – 2022
REALLOCATION OF PROJECT FUNDS**

WHEREAS, the following capital projects have been completed and have account balances remaining that need to be transferred back to the original funding sources, and

WHEREAS, the closing of these projects would result in \$548,648.99 returning to the original funding source of capital reserves, and

WHEREAS, rehabilitation of Wolcottsville Road has been deemed necessary by Public Works, now, therefore, be it

RESOLVED, a new capital project be created for the rehabilitation of Wolcottsville Road and funded by \$548,648.99 of capital reserves, and be it further

RESOLVED, that the following capital projects be closed and the remaining account balances be transferred to the original funding source or the new Wolcottsville Road Rehabilitation project:

INCREASE APPROPRIATED FUND BALANCE:

A 40599.01	Appropriated Fund Balance – NYPA	\$ 9,504.85
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INCREASE ESTIMATED REVENUES:

H638.15.5112.000 43501.00	Consolidated Highway Aid	\$ 627.90
H643.15.5112.000 43501.00	Consolidated Highway Aid	\$ 2,156.75
H652.15.5197.000 45031.10	Transfers from Capital Reserves	\$ 24,047.74
H671.15.1620.000 42401.01	Interest and Earnings	\$ 9,017.61
H671.15.1620.000 45031.02	Interfund Transfers Committed Funds	\$ 9,504.85
H679.15.5197.000 45031.10	Transfer from Capital Reserves	\$ 10,832.19
H680.15.5197.000 43591.00	State Aid Capital Construction	\$ 1,257.52
H764.15.5112.000 45031.10	Transfer from Capital Reserves	\$ 548,648.99

DECREASE ESTIMATED REVENUES:

H491.15.5112.000 43591.00	State Aid Capital Construction	\$ 90,106.12
H491.15.5112.000 44597.01	Federal Aid Capital Construction	\$ 721,622.54
H630.15.5112.000 43501.00	Consolidated Highway Aid	\$ 82,256.34
H630.15.5112.000 43591.00	State Aid Capital Construction	\$ 263,882.69
H630.15.5112.000 44597.01	Federal Aid Capital Construction	\$1,055,530.78
H633.15.7110.000 42089.01	Greenway Grant	\$ 18,095.66
H638.15.5112.000 43591.00	State Aid Capital Construction	\$ 142,864.41
H638.15.5112.000 44597.01	Federal Aid Capital Construction	\$ 564,236.17
H639.15.5197.000 43591.00	State Aid Capital Construction	\$ 44,935.31
H639.15.5197.000 44597.01	Federal Aid Capital Construction	\$ 117,766.39
H639.15.5197.000 45031.10	Transfer from Capital Reserves	\$ 74,000.00
H642.15.5197.000 43591.00	State Aid Capital Construction	\$ 41,789.50
H642.15.5197.000 44597.01	Federal Aid Capital Construction	\$ 167,158.03
H643.15.5112.000 43591.00	State Aid Capital Construction	\$ 1,205.84
H643.15.5112.000 44597.01	Federal Aid Capital Construction	\$ 6,431.11
H643.15.5112.000 45031.10	Transfer from Capital Reserves	\$ 439,688.94
H652.15.5197.000 43501.00	Consolidated Highway Aid Revenue	\$ 39,065.28
H666.17.3197.000 45031.00	Transfer from Operating	\$ 0.53
H666.17.3197.000 45730.15	BAN Year 2015	\$ 42.00
H670.15.5197.000 45031.10	Transfer from Capital Reserves	\$ 10,832.19
H670.15.5197.000 44597.01	Federal Aid Capital Construction	\$ 551,216.15
H670.15.5197.000 43501.00	Consolidated Highway Aid	\$ 17,449.09
H671.15.1620.000 42770.01	Other Unclassified Revenue	\$ 46,899.46
H677.17.3197.000 45710.18	Serial Bonds Year 2018	\$ 315.62
H679.15.5197.000 43501.00	Consolidated Highway Aid	\$ 19,466.32
H679.15.5197.000 44597.01	Federal Aid Capital Construction	\$ 154,473.88
H682.15.5197.000 43591.00	State Aid Capital Construction	\$ 37,114.56
H691.15.1620.000 45031.10	Transfer from Capital Reserves	\$ 5,254.77
H693.15.7110.000 45031.10	Transfer from Capital Reserves	\$ 3,707.66
H694.17.3197.000 45031.00	Transfer from Operating	\$ 87.00
H696.17.3197.000 45031.10	Transfer from Capital Reserves	\$ 0.16
H700.15.5197.000 45031.10	Transfer from Capital Reserves	\$ 50,045.20

H706.15.5112.000 43501.00	Consolidated Highway Aid	\$ 548,543.96
H711.17.3197.000 45031.00	Transfer from Operating	\$ 8.53
H713.15.5197.000 43501.00	Consolidated Highway Aid	\$ 4,107.84
H721.15.5112.000 43501.00	Consolidated Highway Aid	\$ 293,617.52

INCREASE APPROPRIATIONS:

A.07.9950.000 79010.00	Transfer to Capital Projects	\$ 9,504.85
H680.15.5197.000 72600.02	Infrastructure Bridges	\$ 1,257.52
H764.15.5112.000 72600.01	Infrastructures Roads	\$ 548,648.99

DECREASE APPROPRIATIONS:

H491.15.5112.000 72600.01	Infrastructure Roads	\$ 811,728.66
H630.15.5112.000 72600.01	Infrastructure Roads	\$1,401,669.81
H633.15.7110.000 72400.00	Land Improvements Expense	\$ 18,095.66
H638.15.5112.000 72600.01	Infrastructure Roads	\$ 706,472.68
H639.15.5197.000 72600.02	Infrastructure Bridges	\$ 236,701.70
H642.15.5197.000 72600.02	Infrastructure Bridges	\$ 208,947.53
H643.15.5112.000 72600.01	Infrastructure Roads	\$ 445,169.14
H652.15.5197.000 72600.02	Infrastructure Bridges	\$ 15,017.54
H666.17.3197.000 72400.00	Land Improvements Expense	\$ 42.53
H670.15.5197.000 72600.02	Infrastructure Bridges	\$ 579,497.43
H671.15.1620.000 72200.01	Building Improvements	\$ 28,377.00
H677.17.3197.000 72100.04	Lab Equipment	\$ 315.62
H679.15.5197.000 72600.02	Infrastructure Bridges	\$ 163,108.01
H682.15.5197.000 72600.02	Infrastructure Bridges	\$ 37,114.56
H691.15.1620.000 72200.01	Building Improvements	\$ 5,254.77
H693.15.7110.000 72100.10	Machinery & Heavy Equipment	\$ 3,707.66
H694.17.3197.000 72200.01	Building Improvements	\$ 87.00
H696.17.3197.000 72100.04	Lab Equipment	\$ 0.16
H700.15.5197.000 72100.10	Machinery & Heavy Equipment	\$ 50,045.20
H706.15.5112.000 72600.01	Infrastructure Roads	\$ 548,543.96
H711.17.3197.000 72100.21	Law Enforcement Equipment	\$ 8.53
H713.15.5197.000 72600.02	Infrastructure Bridges	\$ 4,107.84
H721.15.5112.000 72600.01	Infrastructure Roads	\$ 293,617.52

and be it further

RESOLVED, that the following Capital Projects be closed:

H633 – West Canal Marina
 H638 – North Canal Road Rehabilitation
 H642 – Hosmer Rd Bridge/Fish Creek
 H643 – Walmore Road Pavement Project
 H648 – Highway Heavy Machinery 2016
 H652 – Bear Ridge Rd Bridge over Tonawanda Creek
 H666 – Jail Equipment Replacement 2018
 H670 – Slayton Settlement Rd Bridge
 H671 – Energy Performance Project
 H673 – Culvert Reconstruct/Replace 2018
 H677 – Liquid Chromatography Instrument
 H679 – Porter Center Road Bridge
 H680 – Upper Mtn Rd Culvert/Fish Creek

H682 – Lockport Rd Culvert/Cayuga Creek
H691 – Trott Boiler Tubes
H693 – Park Facilities Equipment 2019
H694 – Hot Water Steam Heaters Replace
H695 – Carpet Replacement Jail
H696 – Forensic Lab Equipment
H700 – Highway Heavy Equipment 2019
H706 – Sunset Drive Rehab and Drainage
H711 – Forensic Lab Equipment 2020
H713 – Bear Ridge Rd Bridge / Stream
H721 – Bear Ridge Rd Resurfacing
H733 – Sheriff Parking Lot Improvements

and be it further

RESOLVED, that the cash balances for these accounts in the amount of \$453.68 is to be returned to the original funding source as follows:

Debt Reserve: \$357.62
General Fund Operating: \$ 96.06
Moved by Bradt, seconded by Robins.
Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-161-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**EWINGS ROAD RESURFACING AND DRAINAGE IMPROVEMENTS
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, Resolution No. IF-101-22, dated August 2, 2022, authorized the contract for the Ewings Road Resurfacing and Drainage Improvements Project to Amherst Paving, Inc., 330 Meyer Road, Amherst, NY 14226, for a contract amount of \$951,022.00, and

WHEREAS, it is necessary to decrease the contract in the amount of \$230,506.77, due to a decrease in quantities of work items, for a revised contract amount of \$720,515.23, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that Change Order No. 1-Final to decrease the contract by \$230,506.77 for the Ewings Road Resurfacing and Drainage Improvements Project, for a revised contract amount of \$720,515.23, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Change Order may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-162-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**BRIDGE DECK OVERLAYS 2022
CHANGE ORDER NO. 1 - FINAL**

WHEREAS, Resolution No. IF-090-22, dated June 21, 2022, authorized the contract for the Bridge Deck Overlays 2022 Project to Oakgrove Construction Inc., 6900 Seneca Street, P.O. Box 103, Elma, NY 14059, for a contract amount of \$120,708.00, and

WHEREAS, it is necessary to increase the contract in the amount of \$1,086.00, due to quantity overruns on three (3) items, for a revised contract amount of \$121,794.00, and

WHEREAS, prior to the execution of the required documents, the County Attorney will review them for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that Change Order No. 1-Final to increase the contract by \$1,086.00 for the Bridge Deck Overlays 2022 Project, for a revised contract amount of \$121,794.00, be approved, and be it further

RESOLVED, that, following the County Attorney's review, the Change Order may be executed pursuant to the Niagara County Contract Policy.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-163-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**INTERGOVERNMENTAL AGREEMENT FOR THE PROVISION OF ENDPOINT PROTECTION
AND RESPONSE SERVICES BETWEEN THE NEW YORK STATE OFFICE OF INFORMATION
TECHNOLOGY SERVICES, THE NEW YORK STATE DIVISION OF HOMELAND SECURITY
AND EMERGENCY SERVICES AND NIAGARA COUNTY**

WHEREAS, Niagara County has been offered an Intergovernmental Agreement (IA) for the Provision of Endpoint Protection and Response (EDR) Services Between the New York State Office of Information Technology Services (NYSITS), the New York State Division of Homeland Security and Emergency Services (NYSDHSES), and Niagara County, and

WHEREAS, the County desires to enter into the IA to augment cyber security capabilities to better protect information as well as public health and safety, and

WHEREAS, the purpose of this IA is to allow Participating Entities to access EDR software for better proactive security collaboration on threat intelligence amongst New York State and political subdivisions of the State, and

WHEREAS, the State agrees to provide the EDR software to Niagara County and other participating entities at no cost, and

WHEREAS, the Participating Entity agrees to allow sharing of the EDR software data with the Joint Security Operations Center (JSOC) to increase the State's visibility of the cyber threat landscape across the various state entities and political subdivisions, which will enhance the State's ability to quickly and more accurately respond to cybersecurity threats, and

WHEREAS, the initial term of the IA shall be for a period of three (3) years beginning on the effective date and will be automatically renewed for additional twelve (12) month terms based upon approval of funding in the

State budget and approval of the New York State Office of the State Comptroller, if applicable, now, therefore, be it

RESOLVED, that following the County Attorney's review of the IA, the Chairman of the Niagara County Legislature be, and hereby is, authorized to sign the Intergovernmental Agreement.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-164-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

BUDGET MODIFICATION – HIGHWAY MAINTENANCE

WHEREAS, the Public Works Highway Department reimburses the towns who perform snow and ice control on county road ways, and

WHEREAS, the Public Works Highway Department purchases chloride abrasives for snow and ice maintenance activities on various county roads, and

WHEREAS, funds are depleted in both of these accounts, now, therefore, be it

RESOLVED, that the following budget modifications be effectuated:

INCREASE APPROPRIATED FUND BALANCE:

D.40599.00	Appropriated Fund Balance	\$150,000
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INCREASE APPROPRIATION:

D.15.5142.000.74750.14	Chloride Abrasives	\$80,000
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D.15.5142.000.74725.04	Other Town Payments	\$70,000
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Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IF-165-22

From: Infrastructure & Facilities and Administration Committees.

Dated: December 6, 2022

**SHARED SERVICES AGREEMENT BETWEEN NIAGARA COUNTY AND THE NEW YORK
STATE DEPARTMENT OF TRANSPORTATION**

WHEREAS, the New York State Department of Transportation (NYSDOT), has offered this contract, and

WHEREAS, the NYSDOT and Niagara County desire to share services, exchange or lend materials, or equipment which shall promote and assist the maintenance of State and County highways, and provide a cost savings by maximizing the effective utilization of both parties resources, and

WHEREAS, it is the intent of this contract for the NYSDOT and the Niagara County Public Works Department to share highway services that will help deliver these services in a more efficient and cost effective manner in the local communities of Niagara County through this shared service effort, and

WHEREAS, prior to the execution of the contract, the County Attorney will review the contract for approval as to legal form, language and compliance, now, therefore, be it

RESOLVED, that following the County Attorney's review, the contract for shared highway services along with the NYSDOT, be executed pursuant to the Niagara County Contract policy, and be it further

RESOLVED, that this contract shall be for four (4) years, notwithstanding the proviso that any party to the contract may revoke its inclusion therein by filing a notice of revocation with each signatory, effective within 60 days of such revocation.

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IL-135-22

From: Legislators Richard L. Andres, Randy R. Bradt and Economic Development Committee.

Dated: December 6, 2022

**RESOLUTION IN SUPPORT OF THE TONAWANDA'S GATEWAY HARBOR THROUGH THE
USE OF COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, the Tonawanda's Gateway Harbor's mission is to promote economic growth, tourism, recreation, and cultural and historic heritage through the utilization of gateway harbor park, and

WHEREAS, in June this year their trailer along with the items were stolen from Sweeney Street, some of the item inside were found but the trailer was not, and

WHEREAS, the Tonawanda's Gateway Harbor is requesting to defer the cost of the replacement trailer, now, therefore, be it

RESOLVED, that Niagara County's Community Partnership Fund was established in the 2022 budget, and be it further

RESOLVED, that Niagara County supports the Gateway Harbor by appropriating monies from said Community Partnership Fund as follows:

The Gateway Harbor

\$6,000.00

Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Resolution No. IL-136-22

From: Legislator Michael A. Hill and Economic Development Committee.

Dated: December 6, 2022

**RESOLUTION IN SUPPORT OF HARTLAND TOWN PARK THROUGH THE USE OF
COMMUNITY PARTNERSHIP FUNDING**

WHEREAS, Community Partnership funds help support projects across Niagara County that are important to local communities, and

WHEREAS, the Hartland Town Park provides great space for Hartland residents to relax and enjoy several recreational opportunities, and

WHEREAS, the Town of Hartland would like to make improvements to the park, including redoing the ball courts, now, therefore, be it

RESOLVED, that Niagara County's Community Partnership Fund was established in the 2022 budget, and be it further

RESOLVED, that Niagara County supports the Hartland Town Park by appropriating monies from said Community Partnership Fund to the Town of Hartland as follows:

Hartland Town Park, Town of Hartland \$8,000.00

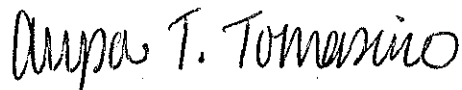
Moved by Bradt, seconded by Robins.

Adopted. 13 Ayes, 0 Noes, 2 Absent – Collins, Foti.

Moved by Bradt, seconded by Myers that the Board adjourn.

The Chairman declared the Board adjourned at 6:44 p.m., subject to the call of the Clerk.

1 citizen spoke at this time on the General Welfare of the County.

A handwritten signature in black ink, reading "Alysa T. Tomasino". The signature is written in a cursive, flowing style.

Alysa T. Tomasino, Clerk